

REMARKS

A. Claims 16, 17, 32, and 33 Are Definite

Applicants have amended rejected claims 16, 17, 32, and 33 to specify that the claimed sealing material is made from a piece of sealing material that will yield the claimed result when tested according to the steps specified in canceled claim 1. Accordingly, the indefiniteness rejection is overcome and should be withdrawn.

B. Claims 15-18, 23, and 26-30 Are Patentable over the Asserted Combination

Claims 15-18, 23, and 26-30 stand rejected as being obvious over JP 10-146846 in view of either US 6,416,689 (Keita) or US 5,662,839 (Magne). Claim 18 has been cancelled. Applicants traverse with respect to the remaining claims.

Claim 15 has been amended to recite, in relevant part, the language of dependent claims 18 and 19:

retracting the instrument from the cavity after the introducing, where the opening in the sealing material has a size, and the sealing material possesses a self-sealing property that reduces the size of the opening after the instrument is retracted; and
rotating the portion of the mold about a horizontal axis passing through the portion of the mold.

The Office has admitted that the cited references do not teach or suggest the claimed rotating. The Office has relied on US 2002/0047220 (Su) for the claimed rotating, and has asserted (with respect to the rejection of now-cancelled claim 19) that one of ordinary skill in the art, in view of Su, would have rotated the molds of the Japanese reference to position the sealing structure somewhere near the top to eliminate air bubbles passing directly through the center of the composition that will become the cured lens. Applicants respectfully disagree.

Su discusses the problem with bottom filling and bubbles rising through the viewable portion of the lens. *See paragraph [0008].* But Su then goes on to address that problem by filling

and venting from the top. See paragraphs [0040-42]. Thus, not only does Su fail to disclose the claimed rotation, Su’s top-filling and top-venting solution to the bottom filling approach is completely inconsistent with Keita’s and Magne’s bottom-filling approaches. The proposed combination of references defies the common-sense approach to obviousness taught by *KSR*, and the rejection of independent claim 15 and its rejected dependent claims that remain pending should be withdrawn.

C. Claims 19-22 and 31-33 Are Patentable over the Asserted Combination

Claims 19-22 and 31-33 stand rejected as being obvious over JP 10-146846 in view of either Keita or Magne, and further in view of Su. Claims 19, 21, and 22 have been cancelled. Applicants traverse with respect to the remaining claims.

Claim 20 depends from claim 15, which is patentable over the asserted combination for the reasons provided above. Accordingly, claim 20 is patentable over the asserted combination for at least the same reasons, and its rejection should be withdrawn.

Claim 31 specifies “rotating the molding cavity.” For at least the same reasons as those provided above with respect to the rotating step now present in amended claim 15, the claimed rotation in claim 31 is not taught or suggested by the asserted combination. Accordingly, the rejection of claims 31-33 is overcome and should be withdrawn.

D. Claims 24 and 25 Are Patentable over the Asserted Combination

Claims 24 and 25 stand rejected as being obvious over JP 10-146846 in view of either Keita or Magne, and further in view of US 6,843,940 (Reed). These claims depend from claim 15, which is patentable over the Japanese reference, Keita or Magne, and Su for the reasons provided above. Reed fails to cure their deficiency. Accordingly, claims 24 and 25 are

patentable over the asserted combination for at least the same reasons, and their rejection should be withdrawn.

E. Conclusion

The pending claims are in condition for allowance. The Examiner is invited to contact Applicants' representative at the number below with any questions or suggestions relating to this application.

Respectfully submitted,

/Mark T. Garrett/

Mark T. Garrett
Reg. No. 44,699
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: May 6, 2008